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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

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UNITED STATES OF AMERICA, : 2:08CR00559 CW  
Plaintiff, : POSITION OF THE UNITED STATES  
vs. : WITH RESPECT TO SENTENCING  
FACTORS  
U.S.S.G. § 6A1.2, DUCrimR 32-1  
JAMES KENNETH WORDEN, :  
Defendant. : Judge Clark Waddoups

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The United States of America, by and through the undersigned Assistant United States Attorney, and pursuant to Rule DUCrimR 32-1(b), Rules of Practice of the United States District Court for the District of Utah, states that after reviewing the Presentence Report prepared by the U.S. Probation Office in connection with the sentencing of the above-named defendant, that it is

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unaware of any matters disputed between the government and the defendant with respect to such report. The United States has no objection to the Presentence Report.

DATED this 11th day of November, 2009.

BRETT L. TOLMAN  
United States Attorney

*/S/ William K. Kendall*

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WILLIAM K. KENDALL  
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the United States Attorney's Office, and that a copy of the foregoing POSITION OF THE UNITED STATES WITH RESPECT TO SENTENCING FACTORS was mailed postage prepaid, delivered through interoffice mail or electronically filed to all parties named below, this 11th day of November, 2009.

Edwin S. Wall  
341 South Main, Suite 406  
Salt Lake City, UT 84111

U.S. Probation Officer  
Wendy White

/S/ JCW  
Legal Assistant